A

LETTER

TO A

MEMBER

Of the HONOURABLE

House of Commons

OF

IRELAND.

DUBLIN:
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M.DCC.LX.

HOUSE OF COMMONS

NEWSLETTER

BRITISH MUSEUM

A

LETTER, &c.

Dear SIR,

HAVING formerly addreſſed you upon an Occaſion where an Advantage was ſought for the City of *Dublin*, which went no further than the putting them upon an equal Footing with the other Subjects; and having then experienced in you that Candour, which is ſo ſuited to your Character and Worth; I ſhall now, in the ſame free Manner, lay my Thoughts before you, upon a Matter, wherein are concerned, the Peace, Proſperity, and even

Safety of that City, for which I was before an Advocate.

You will readily perceive, that the Matter in my View is a Scheme for new regulating the Franchiſes and Uſages of that Metropolis; and for the putting them, in ſome Particulars, upon a Footing more ſuited to the preſent Situation of Things. What turned my Thoughts this Way, was a very general Perſuaſion that ſeems to prevail, that ſomething of this Kind is abſolutely neceſſary to be done; and for the doing of which, Heads of a Bill are now before you; printed by Order of the Honourable Houſe of Commons for the Purpoſe of Public Inſpection, and Conſideration; a Meaſure, in my Judgment, worthy the Dignity of that reſpectable Aſſembly.

As the Metropolis of this Kingdom is the Seat of Government, the Place where our Parliaments are held, and where our Chief Courts of Juſtice are kept; it neceſſarily becomes, at one Time or other, the Reſort of every Man of any Degree of Property or Conſideration in the Kingdom: And therefore, the having it in a proper Condition, at leaſt for Peace and good Order, is unqueſtionably a Matter of public Concernment; and upon this Footing only, it is, as I preſume, that the Parliament thinks it neceſſary to interfere in the regulating the Form of a particular Corporation.

But to do this with good Effect, and in a Manner that is fitting, it is neceſſary for them to be informed of many Things; which, as it is not the Buſineſs of every one to know, ſo it can be no Diſcredit to any one to be ignorant of; therefore, I do ſay, it was a Thing becoming your Body to direct, that the Scheme laid before you, ſhould be made Public, to the End, that thoſe, whoſe Buſineſs it is to know ſuch Things, and whoſe Duty it is, upon this Occaſion, to communicate them, ſhould lay before them ſuch Conſiderations, as may ſerve as Lights for their Direction, when they are about ſo important a Work.

This Province I have taken in Hand, as thinking it, in a peculiar Manner, incumbent upon me; and if, when you have taken the Trouble of reading over this Letter, you do not find I have conducted myſelf in it, with that Candour which you have a Right to expect from me; I ſhall then freely give up all Claim to thoſe good Thoughts, and kind Regards, with which you ſo long have honoured me.

And, that you may have the better Hopes that I will do ſo, I ſhall at the ſetting out candidly own to you, that I am One of thoſe who are of Opinion, and am ſtrongly ſo, that

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ſome fit and proper Regulations for the Purpoſe mentioned, are at this Time abſolutely neceſſary to be made by Parliament. And I think ſo, not only becauſe that in the general, Regulations of very long Continuance, however well ſuited to Things as they ſtood at the Time of their firſt Inſtitution, may, upon any conſiderable Change of Circumſtance, become, in many Reſpects, not altogether ſo fitting; but, principally for this Reaſon, that the Neceſſity or Expediency of new Regulations for the City of *Dublin*, and the Expectation that ſomething of the Kind would at ſome Time or other take Place, have furniſhed a Pretence, and afforded Means, for the diſquieting the Minds of many worthy Citizens; and for the raiſing Diſſentions, Jealouſies and Diſagreements, among them; as well as for the diſcrediting of the Magiſtracy of the City, to ſuch a Degree, as has, in a great Meaſure, rendered them incapable of doing their Duty, not only in the Exerciſe of the Franchiſes of the Corporation, but alſo in the Execution of that Authority given them by the Law for the Preſervation of the public Peace; which, I think, I may ſay, might, in moſt Inſtances, be done in this City without Severity or Coertion, and merely by the Credit, Dignity, and Authority of the Magiſtrates, when thoſe are kept up in the Manner in which they

they ought. Therefore, Sir, for the giving of Credit, Dignity, and Authority to the Magiſtracy; for the reſtoring of Peace, Harmony, and good Agreement among my Fellow-citizens; and, if there are any who are not as Good-wiſhers as they ſhould be to that happy Condition of our City, that they may hereafter have no Colour or Pretence for the propagating or fomenting of Jealouſies and Diſcontents; I am, as I have ſaid, ſtrongly of Opinion, and from my Heart inclined, that ſomething ſhould immediately be done, that is proper for the bringing about thoſe ſalutary Purpoſes. But what that Thing is will be the Queſtion.

There are ſome who have ſeemed to think, as there are one or two Towns in *England* which are very conſiderable without being incorporated, that therefore the Incorporating of any Town was a Thing, at beſt uſeleſs, if not inconvenient. But this, I conceive, to be a miſtaken Notion, and one that, at this Time, may be miſchievous, as it is natural for thoſe who think thus to conclude, on the preſent Occaſion, that it is of little Moment to the Public what Form our City may receive by any new Regulation; and that the making of ſuch may, without any general Prejudice, be conſidered as a Matter of Compliment.

I think,

I think, Sir, that the Incorporating of great Towns, where great Numbers are gathered together, partakes of the general Policy prevailing in all Societies; in creating a Sort of Public leading, by giving a particular Conſtitution, about which many may ſtand together, and thereby be united: And being thus united, may work together as an under Wheel, taking its Part in the working of the grand Machine, the ſuperior Conſtitution, to which it ought ever to be ſubordinate, and in the Defence of which, thoſe Numbers, ſo united, may be ready to riſe as one Man. In this Way, Corporations have been found to be of great Uſe; and that of our City ſo, upon ſome memorable and important Occaſions. And though I do readily agree, that there are many incorporated Towns, whoſe political Exiſtence might very well be ſpared by the Public; yet I cannot but contend for it, that the Incorporating of great Towns, is not only a Thing of Uſe, but of abſolute Neceſſity, with Reſpect to the Metropolis of a Kingdom; where Multitudes meeting together, of various Occupations, various Diſpoſitions, and Ways of Thinking, they would, without ſome general Tye of Union among themſelves, and more particular than that of a general Conſtitution of the Realm, naturally break into ſeveral

veral little Clubs, Parties and Societies, with ſo many ſeveral Leaders, each endeavouring to riſe upon another, and thereby diſturbing the Peace of that Town, and, in the End, endangering the Safety of the general Community. And, I believe, it will be found, that there is not any one Capital City in *Europe*, or in any other Part of the civilized World, where there is not an Inſtitution peculiar to that City; and ſome-way correſponding with, and anſwering the Ends of, the Incorporation of our great Towns. As to the Towns of *Manchester* and *Birmingham*, which are always mentioned in Support of the non-corporating Syſtem, thoſe Towns are famous for, and the Inhabitants entirely taken up in the well carrying on of two principal Manufactures, the one of Cotton, the other of Hard-wares. And it is to be preſumed, that there is not any one Working-man in either of thoſe Towns, who is not ſome way a Retainer to thoſe reſpective Manufactures. And as thoſe Manufactures muſt be ſuppoſed to be under ſome Regulations; thoſe Regulations, together with certain particular Cuſtoms and Uſages, which, doubtleſs, each of thoſe Towns have, ſerve as Laws in thoſe Places, and would be deemed ſuch in any Court in *Weſtminſter-hall*; and by being ſuch, keep up Order, Method and Regularity, among the Inhabitants. But be thoſe Matters as they may, the Difference between

ſuch Towns and the Metropolis of a Kingdom is obvious.

Beſide the good Purpoſes of Order, Union and Peace, in the particular Places, and Strength to the general Community, which are anſwered by a proper Incorporation of great Towns; there is this further Advantage in it, that thereby Pre-eminencies of Dignity and Conſideration, and ſometimes of Profit, are introduced; which, by being made Objects deſirable, are Motives to Emulation, and conſequently to Induſtry; whereby the Proſperity of private Families is promoted, as well as the general Good.

Taking it then, that the Inſtitution I have been ſpeaking of is uſeful, when ſo formed as to anſwer the good Purpoſes it is capable of; it will neceſſarily follow, that the Tendency to anſwer thoſe Purpoſes is the great Thing to be kept in View, as well in the new modelling of grand Corporations, as in the original Formation of them.

The wiſeſt, the greateſt, and, (I hope, I may ſay it without Offence) for a Time, the beſt People in the World, and a Common-wealth

too, I mean the old *Romans*, had ſo great a Veneration for antient Inſtitutions, that, when their City had been burnt and mangled by the *Gauls*, and they had Thoughts of rebuilding it in another Place, they were diverted from that Purpoſe principally by this Conſideration: That there were certain Ceremonies, as it were appropriated to particular Spots in their antient City, which they thought it boded ill to their Grandeur and Proſperity, to vary even in the Circumſtance of Place.

I do not ſay, that every antient Inſtitution is to be held ſo ſacred, as not to be varied even in Circumſtance upon good Grounds; for, if ſo, there would be no Improvement in the World. But this I may ſay, that Uſages, which have prevailed for a long Time, and whoſe Utility has been tryed, carry, like long Poſſeſſion, ſuch a Preſumption of Right and Fitneſs along with them, that they ſhould not be raſhly overturned. Nor ſhould they ever be changed, but upon Reaſons manifeſtly ſhewing, that ſuch a Change would be for the better. And, I hope, my Fellow-citizens will expect ſuch a clear Satisfaction, before they ſuffer themſelves to grow fond of every Novelty that is offered

to them as an Improvement of their Conſtitution.

The Corporation of our City hath continued for, at leaſt, an Age in Subſtance as it is; and with that Subſtance, hath been known to have produced Effects very Salutary, and even of Moment to the Conſtitution of our Country. And on that Account hath received, from Time to Time, Additions to its Conſideration; and thoſe, not barely as Rewards, but alſo as Means enabling it to be of ſtill further Uſe. It fell out, as is natural in the Courſe of Things, that thoſe who were in the foremoſt Rank not being always equal in perſonal Conſideration, a few of them of the moſt Weight united together with the Purpoſe of getting the principal Influence into their own Hands; and in the Doing of this, were oppoſed, as well as when they had done it, attacked by others with the very ſame Purpoſes. By the Experience got in the Courſe of theſe Conteſts, People grew better Politicians, and effectual Means were diſcovered for the keeping of that Influence pretty ſecure when it was once acquired. While there were any Hopes of refcuing it out of the Hands where it was, the Intention of the Aſſiſtants was, to keep the

Conſtitution

Conſtitution entire, ſo that it ſhould preſerve its Value when they ſhould be able to get it to themſelves. But when that became a Thing deſpaired of, another Project was thought on; which was, to daſh it into Pieces, under the Pretence that every Individual might get a Share of it; but with the real Intention, that a few of the moſt Active ſhould, in the Scramble, pick up the moſt of the Fragments, and, by a little good Management, afterwards get the Remainder out of the weaker Hands; and then that they might put them together as well as they could, and make the moſt of them for themſelves.

Now, Sir, as I cannot poſſibly reconcile it to myſelf, that it can be uſeful, any Way expedient, or even ſafe, to pull down and break into Pieces an antient Fabric, that hath been a Strength and Ornament to our City; as I conſider this as only the giving Occaſion for a Scrambling, which is to diſturb our Peace for the preſent, and will as certainly end in the Acquiſition of a few; and as, on the other Hand, though I am for keeping the Thing entire as to Subſtance, yet I neither think it deſirable or practicable that it ſhould be in the Hands of a few: I therefore, without attending

ing to the few on the one Side, or to the few on the other, ſhall lay before you ſuch a Scheme for the new regulating of our City, as, upon the beſt Conſideration that it is poſſible for a Man to give to any Subject, ſeems to me to make moſt for the Intereſt and Advantage of the many; by having a reaſonable Tendency to reſtore and eſtabliſh Peace and mutual Good-will among the Citizens, to make the Pre-eminencies and Authorities in the Corporation the certain Attainment of the moſt worthy Citizens, and to create a popular, as well as an authoritative, Magiſtracy.

Though I flatter myſelf, that I have ſome Credit with you, yet I do in no Sort deſire or expect, that what I have to propoſe ſhould, in a Matter of ſuch Moment, any way depend for its Fitneſs upon the Authority of the Propoſer. I ſhall therefore lay before you the Condition of our City, ſo far as is neceſſary for the preſent Conſideration; and then ſhew what are the Objections to it, that have been and ſtill are inſiſted on. By this you will be able to judge of the Efficacy or Tendency of the propoſed Regulations to obviate thoſe Objections, and to bring the City into that happy State

State which hath been before mentioned, as the profeſſed Object of the Propoſer.

You are then, Sir, to underſtand, that the Common-council of our City, being that Body by which all corporate Acts are done, conſiſts of two Parts. The one, that of the Lord Mayor and twenty-four Aldermen, the Lord Mayor preſiding; the other that of the Sheriffs and Commons, the Sheriffs preſiding. Theſe two Aſſemblies, making together the general Aſſembly of the City, do, in that general Aſſembly, ſit ſeparately and apart from each other, each having a Negative upon the other. And as all Acts of this general Aſſembly are grounded upon Petitions, which are firſt introduced at the Board of Lord Mayor and Aldermen, they of that Board exerciſe their Negative in not ſending down to the Commons any Petition which they are not diſpoſed to grant; as the Commons exerciſe theirs in diſallowing it when ſent down to them, they having beſides, an Abſtract laid before them of all Petitions which are to come before the Board.

The Manner of filling up theſe two ſeparate Aſſemblies, which together conſtitute the gene-

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ral one, is thus. The Lord Mayor is an Annual Magistrate, elected by the Aldermen, out of their own Body; and they do likewise elect into that Body, upon all Vacancies which happen there; and this Election is out of another Body which they have also the Constituting of, that is, the Sheriffs Peers; the Election of Sheriffs being also in them. In all this, you see the Freemen have nothing to do, either immediately by themselves, or by their Representatives in the Commons, otherwise than by the general Supposition of the Law in the Case of Corporations.

This Body, the Commons, which, as I have said, makes the other Part of the general Assembly, does itself consist of two Parts; the one is of the Sheriffs Peers, who are those Gentlemen that have been elected into the Office of Sheriff, and are perpetually of the Commons, but their Number cannot exceed Forty-eight; the other is, of the Representatives of the several Corporations, that is, of all the Freemen of the City; the Number of this Order, in the Commons, is restrained to Ninety-six, and are newly constituted every three Years in this Manner. The Masters and Wardens of the several Corporations do, at a certain Time, make a Re-

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turn to the Lord Mayor of a double Number of Perſons as elected by their reſpective Bodies, and the Lord Mayor, in the Preſence of eight Aldermen and one of the Sheriffs, is to reject out of each Return, the one Half of the Perſons ſo returned, and the remaining Perſons, making Ninety-ſix in the Whole, ſtand as the Repreſentatives of the Freemen in the Commons, for the enſuing three Years; within which Time, if any Vacancy ſhall happen, it is to be filled up in like Manner, upon a double Return made from the reſpective Corporation. And upon the Failure of making Returns in a proper Manner, and in due Time, the Appointment of the Numbers for the Corporation ſo failing, devolves upon the Lord Mayor and Aldermen.

Of this Conſtitution of our Common-Council, thus ſtated to you, every Part, except that of the Election of Aldermen, which ſtands upon Uſage, is authorized by the new Rules; which you know to be a Set of Regulations made near ninety Years ago, for ſeveral Cities and Towns in this Kingdom, by the Government and Council, in Virtue of an Authority given to them for that Purpoſe by the Statute of the 17th and 18th of Charles the Second. And by this Act, whatever ſhould be done in Purſuance of this Authority, was to have the ſame Force as if ſpecially and particularly eſtabliſhed by Parlia-

ment; therefore it is, that those Regulations, called the new Rules, have ever since been considered by every Court of Justice in this Kingdom, as having the Force of an Act of Parliament. But, without entering into a Disquisition upon the Validity of these new Rules, which some have affected to raise Doubts about; or upon the Validity of the Usage in the electing of Aldermen, which has also been questioned as wanting any sufficient Foundation now appearing; it seems to me a Thing of absolute Necessity, that the Validity of both should, at this Day, be maintained; in as much as upon the Foot of those Rules, and of this Usage, have the Affairs of the Corporation been carried on for an Age past, and if they should now, by the Declaration of any Court of Justice, or by Parliament, be condemned as wanting Force; the Consequence would be, that all Acts of Judicature and of Magistracy done in our City, in the Exercise of their Franchises, have been illegal, nor could even the Legislature set Things right in all Respects, nor would there now be any legal Magistrate, Officer, or even Freeman of the Corporation; and what would be still more alarming to the Patrons of such Doubts, is, that the Corporation itself would be at an End; nor could it be either supported or revived by Means of the subtile Distinctions between Officers or Magistrates *de Jure* and *de Facto*; Distinctions admitting of such Refinements, that the Law, to

this

this Hour, is unſettled concerning them; and how improper would a Declaration having ſuch Conſequences be, when it is conſidered, that the doing it would be unneceſſary to any good Purpoſe? for, admitting thoſe Rules, and that Uſage, to be of the greateſt Force, yet there can be no Doubt, that if they are found at preſent to be attended with any public Inconvenience, they may be varied, as any Law may be upon the ſame Account.

Taking it then, that the Conſtitution of our Common-Council, which is virtually the Corporation, ſtands upon a Foundation not to be queſtioned at this Day upon the Foot of any legal Objection; it is to be conſidered, what thoſe Objections are which have been made to it, upon the Foot of public Inconvenience; and what may be the Regulations moſt proper for the obviating ſuch of them as may ſeem well founded; and for the putting of our City into that happy State, which I have declared to be my Object, and do readily admit to be a public Benefit.

The Sum of the Objections that have been made is this: That the Aldermen, having the Appointment of the Sheriffs, the Appointment into their own Body, and the Appointment of the Lord Mayor, who, by that Appointment,

continues to be a Magiſtrate of the City after he ceaſes to be the Chief One; they have, by this, the ſole conſtituting of the chief Officers, the Magiſtracy, and the principal Part of the Common-Council of the City, without any Participation by the Commons, to whom the Perſons brought in are under no Neceſſity of being agreeable; and that, in Fact, they are often not ſo. That, beſides all this, the Aldermen, by their Power of giving a Preference in the ſtriking of the Commons upon the double Return, and of electing out of the Corporations at large, where there is a Neglect in the Maſters and Wardens, do acquire an Influence over that other Part of the Common-Council, ſo that, as it is urged, they have, in Effect, the whole Power of the Corporation of the City in their Hands. And that this Defect in the Conſtitution of the City, gives an Occaſion and Opportunity for an Abuſe, which is introductive of a public Miſchief, and is this; that a few Perſons at the Board, by gaining an Aſcendency over the Reſt, draw in the Power of the Corporation among a Number ſtill more confined, who in the Appointment of Officers conſider no other Qualification in the Perſon, but his Dependance upon themſelves, and his Diſpoſition to be ſubſervient to them: That in Conſequence of this, both the Magiſtracy of the City, and the City itſelf, are brought low.

Thus

Thus have I ſtated the Sum of the Objections, to the beſt of my Recollection, in the Manner in which they are urged, and tho' I think this to be with more Strength than they are altogether capable of being ſupported in; yet I ſhall not go into a minute Conſideration of them, as what I mean to propoſe, with the View of bettering the Condition of the Corporation, will, at the ſame Time, remove theſe Objections, at leaſt ſo far as the general Intereſt of the Corporation requires, or as the Public is concerned; however, I am under a Neceſſity of ſaying ſomething to them,

There is, Sir, and I can ſay it with Certainty, an Officer of this Corporation, who came in with the almoſt univerſal Concurrence of the Board, and with a Majority of the Commons ſcarce ever known upon the like Occaſion before, where there was any Competition. And I do very well know that it was not in the Power of the Board, meerly by their Influence, to have brought him in; and am as certain that ſince he has been in, he never did, nor does he now, nor will he ever conſider himſelf as under their Influence in any Part of his Conduct with reſpect to the Corporation or the Public. And I am bound in Juſtice to thoſe Gentlemen to ſay further, that he never had the leaſt Intimation from them, that they expected he ſhould be

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any way under ſuch an Influence. That they have in ſome Degree, an Influence among the Commons, I do believe to be true; and it is natural, and, I think, uſeful that they ſhould have ſo much, as may be neceſſary to diſpoſe the two Bodies not wantonly to diſagree. But that they have it in any Thing like the Degree that is objected, or ſo, as in Effect, to give them the whole Power in the Common-council, I cannot admit to be a Fact; for I know, that the Commons have often oppoſed the Board; and do believe they would, upon all Occaſions, refuſe their Concurrence in any Thing they either diſliked or diſapproved of; nor is it any Way neceſſary, if the Manner of their Conſtitution is at all conſidered, that they ſhould be under ſuch an Influence as the Objection ſuppoſes.

As to the City's being in a low Condition, either in Conſequence of Defects in its Conſtitution or otherwiſe, I cannot ſay that I am a proper Perſon to ſpeak about it, as I ſhall ever think the City low, till it is raiſed to the State I wiſh to ſee it in, and that, I think, it is for the Advantage of the Public that it ſhould be raiſed to. Thus much, however, it is right for me to ſay, and I can ſay it with Truth, that I know moſt of thoſe who have been of the Commons ſince I became acquainted with the

the City; and do know, that there have been, and are among them, many a worthy, creditable and deſervedly well eſteemed Citizen, and Men incapable of being influenced to a Thing that was wrong, by Perſons of more Weight than Aldermen are thought to be; and I doubt not but there were more of the ſame Rank among them whom I might not have known. As to the Gentlemen of the Board, every one of whom I am perſonally acquainted with, I cannot allow, that they ſhould be ſpoken of in that low Way that it is the Faſhion to do; when I think it might be truly ſaid of them, that they can ſhew among them a clear Property not leſs than two hundred thouſand Pounds, whatever it might exceed it. And this I can myſelf ſay, and do ſay, without intending the leaſt Diſcredit, or to make Objections to any of them, that there might be found among them ſeveral, who, if they ſtood in the ſame Rank in that great City of *London* that they now do here, the very beſt of their Brethren would have no Cauſe to be aſhamed of them. Thus much I thought it neceſſary to ſay, as I have the Mortification to find, that great Induſtry hath been uſed to make both the Magiſtracy of this City, and the Corporation itſelf, to be conſidered in ſuch a Light, as I neither think it Juſtice or good Policy that they ſhould be conſidered in.

I am

I am now, Sir, to enter upon the main Part of what I propoſed to lay before you, and to which what hath been already ſaid is no more than an Introduction. But as that hath gone out into a greater Length than I at firſt could have imagined would be neceſſary, I ſhall therefore give your Attention the Relief of a very few Days, and ſhall then trouble you with what I have further to ſay upon this very important Subject. And, in the mean Time, have the Honour to ſubſcribe myſelf

Your ſincere Friend,

And obedient, humble Servant.

F I N I S.